THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2153 of 2004

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the order of the first respondent passed in D.Dis.No.K4/ATP/85/2004 dated 21.1.2004 confirming the order of the second respondent passed in D.Dis.No.DICS/2248/03 dated 15.12.2003 is arbitrary and illegal.

By the impugned proceedings dated 15.12.2003, the second respondent has made an attempt to bifurcate the fair price shop of Tabjula village, Peddapappur mandal, Ananthapur Division into two shops i.e. Shop No.1 and Shop No.2 of Tabjula village. In fact, questioning the same, petitioner carried the matter in appeal before the first respondent. The first respondent vide proceedings dated 21.1.2004 confirmed the order of the second respondent dated 15.12.2003. Aggrieved by the same, the present writ petition is filed.

Challenge is made to the impugned proceedings on various grounds. There is no necessity of going into all the details.

The second respondent-Revenue Divisional Officer has no power under law to bifurcate a particular shop for the purpose of creating another new shop in the same place. It is the District Collector and Magistrate who is supposed to pass orders in this regard, on this ground alone, the writ petition is liable to be allowed.

In the result, the writ petition is allowed and the impugned proceedings passed by second respondent in D.Dis.No.DICS/2248/03 dated 15.12.2003 as confirmed by the first respondent vide proceedings D.Dis.No.K4/ATP/85/2004 dated 21.1.2004 are set aside. No order as to costs.

C.V.RAMULU,
J

Date: 23.10.2006
DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2153 of 2004

23.10.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2153 of 2004

Date: 23rd October, 2006

Between:

G.Chinnappa Reddy

.. Petitioner

And

The Joint Collector,
Anantapur (Civil Supplies),
and others.

.. Respondents